

REMARKS

Claims 1, 3, 4, 6, 7, 13, 16 through 18, 23 and 48 through 57 are pending in this application. Claims 48 through 57 reflect previously canceled claims that have been reinstated, as noted above. Support for the amendment to claim 1 can be found in the present specification at least at pages 9 and 10.

Claims 16, 17 and 23 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Notably, the Office Action (Action) points out that these claims depend from canceled claims and thus have terms that lack antecedent basis. Applicants respectfully submit that claims 16, 17 and 23 have been appropriately amended such that their dependencies are on currently pending claims. As a result, all of the recited features in each of these claims have proper antecedent basis. Therefore, reconsideration and withdrawal of the §112 rejection is respectfully requested.

Claims 1, 3, 4, 13, 21 and 23 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 3,575,169 to Voss ("Voss '169").

Claim 1 recites an applicator barrel with a finger grip comprising an applicator barrel body having an outer surface and a three-dimensional tape connectable to a portion of the outer surface. The tape includes a first surface and a second surface opposite said first surface. The first surface has formed thereon at least one integrally formed gripping structure. The second surface is detachably connected to an adhesive backed label.

Voss '169 discloses a tampon applicator with an outer tube that has an arrangement of one or more elements secured to the surface of the outer tube. The one or

more elements enhance gripping and referencing of the applicator during use. The one or more elements are separately formed from the barrel and are subsequently connected to the barrel via adhesive, radio frequency melting or interference fit.

It is respectfully submitted that Voss '169 fails to disclose or suggest an applicator barrel with a three-dimensional tape having at least one integrally formed gripping structure on a first surface and an adhesive backed label on a second surface, as recited in claim 1.

In contrast, Voss '169 discloses elements that are fabricated from paper, cardboard or plastic and are subsequently applied to a tampon applicator barrel by adhesive, interference fit or melt bonding. In the only instance where Voss '169 discloses the use of adhesive backing, it is exclusive to the use of sandpaper having an adhesive backing for affixing the sandpaper to the elements. However, not only is sandpaper not tape, sandpaper is not three-dimensional tape with at least one integrally formed gripping structure, as claimed. To the contrary, the application of sand to paper to form sandpaper is anything but integral formation, but is the combination of two separate components, unlike the present invention. The gripping structure of the claimed invention is formed in the tape itself, and is not a separate component separately formed and subsequently adhered to the tape.

In summary, it is submitted that claim 1, as well as each claim depending directly or indirectly from claim 1, defines an invention that is neither disclosed or suggested by Voss '169. As such, reconsideration and withdrawal of the §102(b) rejection is respectfully requested.

Claims 16 through 18 stand rejected under 35 USC §103(a) as being unpatentable over Voss '169 in view of U.S. Patent No. 3,347,234 to Voss (Voss '234).

Claims 16 through 18 each depend directly or indirectly from claim 1. Voss '234 discloses a tampon applicator having a ring secured to the outer surface of the barrel. The

ring acts as a tactile indexing and improved gripping means and inhibits inward deformation of the barrel under finger gripping pressure. The ring can be connected to the barrel with adhesive, and may be formed from paper, plastic, metal, emeryboard, ceramic, rubber or the like.

As noted above, Voss '169 fails to disclose or suggest an applicator barrel with a three-dimensional tape having at least one integrally formed gripping structure on a first surface and a adhesive backed label on a second surface, as recited in claim 1. It is respectfully submitted that Voss '234 fails to cure the deficiency of Voss '169, in that it too fails to disclose or suggest the applicator barrel recited in claim 1. In fact, other than a ring, Voss '234 fails to disclose or suggest any other type of fingergrip structure, let alone one that remotely resembles the claimed three-dimensional tape having at least one integrally formed gripping structure. Therefore, it follows that since neither Voss patent discloses or suggests the applicator barrel recited in claim 1, neither reference can render obvious the applicator barrel recited in claims 16 through 18, since these claims depend either directly or indirectly from claim 1.

Therefore, claims 16 through 18 are patentably distinguishable over the Voss patents. As such, reconsideration and withdrawal of the §103(a) rejections of these claims is respectfully requested.

Claims 1, 3, 4, 6, 7, 13, 16 through 18, 21 and 23 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 8, 11 through 13 and 16 through 18 of U.S. Patent No. 6,416,488.

Applicants respectfully submit that claim 1, as amended above, recites a claim that is not only not identical to any of the claims of the '488 patent, but is patentably distinct over the claims of the '488 patent. Notably, none of the claims of the '488 patent recite the feature of the three-dimensional tape having a second surface that is detachably connected to an adhesive backed label, as recited in claim 1 of the present application. As

such, reconsideration and withdrawal of the obviousness-type double patenting rejection is respectfully requested.

With respect to reinstated claims 48 through 57, it is respectfully submitted that each of these claims depend either directly or indirectly from claim 1. Since claim 1 is patentably distinguishable over both Voss patents cited, it follows that claims 48 through 57 are patentably distinguishable over Voss '169 and Voss '234, taken either alone or in combination.

Therefore, Applicants respectfully submit that the pending claims define an invention that is neither disclosed nor suggested by the cited references. As such, reconsideration and withdrawal of the rejections and passage of this application to allowance is respectfully requested.

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Charles N.J. Ruggiero, Esq.
Registration No. 28,468
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, LLP
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401